S.B.CRIMINAL MISC. PETITION NO.659/2007
(Sukhvinder Singh Vs. State of Raj.)

Date of order **: :** 30.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.R.K.Charan, for the petitioner.
Mr.Ashok Upadhyay, PP for the State.

Heard learned counsel for the petitioner as well as learned Public Prosecutor for the State.

The learned Additional Judicial Magistrate, First Class, Chittorgarh vide its order dated 4.4.2007 dismissed the application under Section 457 Cr.P.C. filed by the petitioner for releasing the seized liquor on Supardginama on the ground that valid permit has not been produced in that case nor any licence was produced and charge-sheet was not filed in the court.

Learned counsel for the petitioner states that petitioner has already filed the permit before the Investigating Officer in pursuance of order dated 18.5.2007 passed by this Court.

A bare perusal of the order dated 18.4.2007 passed by Additional Sessions Judge No. 1 Chittorgarh, it appears that the revision petition filed by the petitioner against the order dated 4.4.2007 is still pending in the revisional court.

Looking to all the facts and circumstances of the case, since revision petition filed by the petitioner is pending before the court below, I am not inclined to pass any order regarding release of the sized liquor on Supardginama. However, petitioner is free to raise all objections which have been raised in this misc. petition under Section 482 Cr.P.C. before the revisional court who shall decide the revision petition expeditiously in accordance with the law.

In view of the fact that the post of Presiding Officer is lying vacant, any court having the charge of Sessions court is directed to decide the aforesaid revision petition expeditiously or transfer the same to any other court.

With these observations/directions, this misc. petition stands disposed.

NK (KRISHAN KUMAR ACHARYA), J.